



UNITED STATES DEPARTMENT OF COMMERCE
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FMH.2

Paper No. 20

LIMBACH, LIMBACH & SUTTON
JAMES C. WESEMAN
2001 FERRY BUILDING
SAN FRANCISCO, CA 94111

COPY MAILED

FEB 28 1994

In re Application of
George A. Brooks
Serial No. 07/471,287
Filed: January 26, 1990
Attorney Docket No. STIM1000

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OFFICE OF PETITIONS
A/C PATENTS

ON PETITION

This is a decision on the (renewed) petition under 37 CFR 1.137(b), filed October 22, 1993, to revive the above-identified application.

The petition is dismissed as untimely.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

The petition was not timely filed in that a decision on petition was mailed on March 11, 1993 which set a period of two months within which to file a request for reconsideration (with extensions of time being available under the provisions of 37 CFR 1.136(a)), yet a renewed petition to revive was not received until October 22, 1993, over seven months from the mail date of the decision on petition. Accordingly, since petitioner did not file a renewed petition within the period set, a disclaimer of a terminal portion of any patent which may issue on the above-identified application or on any application entitled to the benefit of the filing date of this application under 35 USC 120 is required. The period to be disclaimed will be 14 months, if promptly filed. If the terminal disclaimer is signed by an assignee, the assignee must comply with the provisions of 37 CFR 3.73(b).

The \$585 petition fee received with the renewed petition is unnecessary since this fee was filed with the petition of January 22, 1993. Accordingly, this fee will be credited to petitioner's Deposit Account No. 12-1420.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner of Patents and Trademarks
 Box DAC
 Washington, D.C. 20231

By FAX: (703) 308-6916
 Attn: Office of Petitions

Telephone inquiries should be directed to the Office of Petitions Staff at (703) 305-9282.

A handwritten signature in cursive script, appearing to read "Frances Hicks", is written over the typed name.

Frances Hicks
Office of Petitions
Office of the Assistant Commissioner
for Patents

ATTACHMENTS: Blank Terminal Disclaimer Form
 Blank Certificate Under 37 CFR 3.73(b) Form